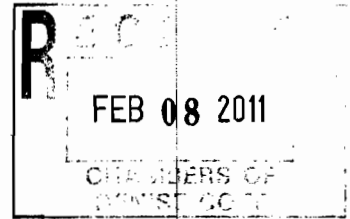




United States Attorney  
Southern District of New York

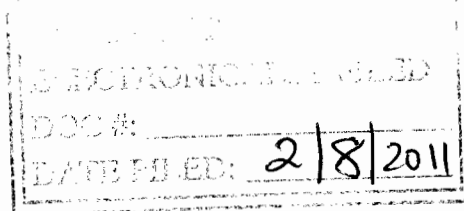
The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

February 7, 2011



**BY HAND**

Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007



Re: United States v. Sotero and Elvis Gomez,  
08 Cr. 429 (DLC)

**MEMO ENDORSED**

Dear Judge Cote:

The Government writes to withdraw its request for an order of forfeiture in this case. As Your Honor may recall, at sentencing on Friday, the Government requested that the defendants be ordered to forfeit United States currency equal to approximately \$322,610, which represents funds seized at a heroin mill in the Bronx that was operated by the defendants and others. The Government did not have a written forfeiture order at the time of the sentencing proceeding and represented that it would provide a forfeiture order following that hearing.

Since that time, I have conferred with our asset forfeiture unit and been informed that other mechanisms have been used to perfect the forfeiture in this case. In particular, although the money was listed in a forfeiture clause of the defendants' indictment, the forfeiture was also processed administratively through procedures of the Drug Enforcement Administration, such that no further forfeiture is required. Accordingly, the Government withdraws its request that an order of forfeiture be entered by the Court, with apologies for the erroneous request.

*Withdrawal is approved -  
Denise Cote  
Feb. 8, 2011*

Very truly yours,

PREET BHARARA  
United States Attorney

By:

*Rachel P. Kovner*  
Rachel P. Kovner / Jessica Ortiz  
Assistant United States Attorneys  
(212) 637-2470 / 2398

CC: Luis Diaz, Esq. (By Fax)  
David Touger, Esq. (By Fax)